TULSA, OK 918.583.8600 405.272.0559

CONDENSED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W. A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,



Plaintiffs

VS.

05-CV-0329 GKF SAJ

TYSON FOODS, INC., TYSON
POULTRY, INC., TYSON CHICKEN,
INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS,
INC., CAL-MAINE FARMS, INC.,
CARGILL, INC., CARGILL TURKEY
PRODUCTION, LLC, GEORGE'S, INC.,
GEORGE'S FARMS, INC., PETERSON
FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants

VOLUME II VIDEOTAPE DEPOSITION OF ALAN LEE FORD

Taken on Behalf of the Defendants On July 21, 2008, beginning at 9:00 a.m. In Oklahoma City, Oklahoma

APPEARANCES:

Appearing on behalf of the PLAINTIFF STATE OFOKLAHOMA

Robert A. Nance

Trevor Hammons, Attorney at Law RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS 5801 N. Broadway, Suite 101 Oklahoma City, Oklahoma 73118 (405) 843-9909 rnance@riggsabney.com

Reported By: Becky C. Dame, CSR, RPR

EXHIBIT

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oklahoma city, ok
405.272.1006 405.272.0559 FAX
511 Couch Drive, Suite 100 Oklahoma City, OK 73102

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TOLL FREE 800.376.1006

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FORD, ALAN

7/21/2008

1 Q So they tried to construct a system that 2 would allow them to pump out to the 3.5-acres and 3 apply it, but it never worked? 4 A That's correct. 5 Q Do they continue to this day to land apply 6 wastewater to the inside of the dikes? 7 A I do not believe that's no. 8 Q Okay. 9 A That's not necessary. Those lagoons are 10 so oversized for what they're being used for. 11 They're way oversized. That was by design. 12 Q Did you ask them whether or not they're 13 doing spray irrigation from those lagoons currently? 14 A They're I asked them, "Are you doing any land application of wastewater or fluids from the lagoons at Lake Tenkiller State Park? 2 A Correct. 1 Q And who did they self-report it to? 2 Themselves? 3 A Yes, sir. 4 Q To DEQ? 5 A No. They they never provided me with a report on those. They never provided a report on the three-and-a-half acres because they never land applied there. The application inside the slope of the lagoons, they never reported. 10 Q Okay. So there are no written reports related to the spray irrigation land application? 11 They're way oversized. That was by design. 12 Q Did you ask them whether or not they're 13 Q You don't know. 14 A I don't know. 15 any land application of effluents?" and they're 16 answer was "No." 17 Q Okay. So it's the State of Oklahoma's 18 testimony that they are not doing any land 19 application of wastewater or fluids from the lagoons 20 at Lake Tenkiller State Park? 21 A Correct. 2 And who did they self-report it to? Themselves? 3 A Yes, sir. 4 Q To DEQ? A No. They they never provided a report on the three-and-a-half acres because they never land application in side the slope of the lagoons, they never reported. 10 Q Okay. So there are no written reports related to the spray irrigation land application? 11 I I may be about done. 12 Q You don't know. 13 Q You don't know. 14 A I don't know. 15 I may be about done. 16 (phonetic) property and the application of sludge from the lagoons at that property in your deposition of 6/30/2008. Do you
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j i
May I look at this again? 22 O And I had asked you whether or not you
,, , ,
25 Q Another one on here. It's Provision 25 A That's correct.
130
1 No 10 in the country in Embilia 11 It and annexes 1 O De you become and
1 No. 10 in the permit, in Exhibit 11. It references 1 Q Do you know now? 2 the following: That a monthly report be submitted 2 A No. sir. I do not.
4 duration of each application. The total volume of 4 contractor was?
5 water applied, number of acres irrigated and 5 A (Witness nods head up and down.)
6 calculated drain application. Include a description 6 Q You have to answer out loud.
7 of sight, pasture, hay, meadow, crop land. List all 7 A Yes, I did.
8 potential food crops that are irrigated. 8 Q And what were you told?
9 I had asked you in your deposition on 9 A That they didn't know.
10 6/30/08 whether or not you had seen any of these 10 Q Okay. Who was "they"?
11 M Let's see. It would be Steve Williams,
12 A Correct. 12 Chris Merrick. Who else did I talk to? I don't
13 Q — and your answer was "No"? 13 remember who else I asked about that, but I know
14 A Correct. 14 those two. Randy Folkes.
Q Okay. Have you seen any of those monthly 15 Q Okay. And, also, at your deposition on
16 reports now? 16 June 30, 2008, I think there was some confusion
17 A No, sir. 17 either on – probably on my part, whether or no
18 Q Okay. Did you ask anyone whether or not 18 Green Leaf State Park is in the Illinois River
they had monthly reports related to this permit? 19 Watershed. Is it?
20 A Yes, sir. 20 A We do not believe it to be.
21 Q And what were you told? 21 MR. BOND: I don't have any more
A They never applied the sludge or the 22 questions. I'll pass the witness.
23 affluent to that three-and-a-half acres. The 23 MR. THOMPSON: I have no questions.
24 spraying on the inside of the slopes, they 24 MR. FREEMAN: I have no questions.
25 self-reported. 25 MS. LONGWELL: I don't have any question
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